

**WOOD, HERRON & EVANS, L.L.P.**

JOHN D. POFFENBERGER  
 BRUCE TYTEL  
 DONALD F. FREI  
 DAVID J. JOSEPHIC  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUPT  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN

OF COUNSEL  
 THOMAS W. FLYNN

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-421-7269

EMAIL: info@whpatent.com

PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

RECEIVED  
 CENTRAL FAX CENTER

MAY 19 2004

OFFICIAL

WESLEY L. STRICKLAND (VA, DC BAR ONLY)

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.  
 BEVERLY A. LYMAN, PH.D.  
 KATHRYN E. SMITH  
 KRISTI L. DAVIDSON  
 P. ANDREW BLATT, PH.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, PH.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 G. PRABHAKAR REDDY  
 SARAH OTTE GRABER  
 LARRY D. MOORE  
 TECHNICAL ADVISORS  
 HENRY M. LABODA, PH.D.  
 STEVEN W. BENINTENDI, PH.D.

May 19, 2004

**FACSIMILE COVER SHEET**

To: Technology Center 3683  
 Examiner Devon C. Kramer

From: David W. Dorton

Fax: (703) 872-9306

Re: Our File: DEAU-37  
 Serial No. 10/044,615

Pages: 16 (including cover sheet)

**MESSAGE/COMMENTS**

Attached herewith is an Amendment Under 37 C.F.R. §1.141

submitted for the above-identified application.

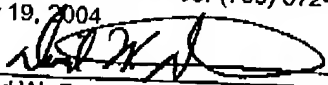
**PLEASE DELIVER IMMEDIATELY TO  
 EXAMINER DEVON C. KRAMER**

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 421-7269.

OFFICIAL

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for  
Application No. 10/044,615 is being facsimile  
transmitted to Technology Center 3600,  
via Central Fax Number (703) 872-9306, on  
May 19, 2004

  
David W. Dorton, Reg. No. 51,625

RECEIVED  
CENTRAL FAX CENTER

Date

MAY 19, 2004

MAY 19 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/044,615  
Filed: January 11, 2001  
Group Art Unit: 3683  
Examiner: Devon C. Kramer  
Applicant: Miller et al.  
Title: PISTON AND ROD ASSEMBLY FOR AIR-ACTUATED VARIABLE  
DAMPING  
Attorney Docket: DEAU-37  
Confirmation No.: 9471

Cincinnati, Ohio 45202

May 19, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT UNDER 37 C.F.R. §1.312**

In response to the Notice of Allowance mailed April 13, 2004, please  
amend the application as follows.